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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,382	02/08/2001	Adrian P. Wise	94100422(EP)USC1X1C1D11 P	7169
22887	7590	08/24/2005	EXAMINER	
DISCOVISION ASSOCIATES INTELLECTUAL PROPERTY DEVELOPMENT 2355 MAIN STREET, SUITE 200 IRVINE, CA 92614			NGUYEN, DUSTIN	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/779,382

Applicant(s)

WISE ET AL.

Examiner

Dustin Nguyen

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-5, 7-13, 15-17 are presented for examination.

Specification

2. Examiner requests Applicants to update the status of any related applications as mentioned in the specification [i.e. page 1, paragraph 1].

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Information Disclosure Statement

4. Examiner requests Applicants to resubmit Foreign Patent or Published Foreign Patent Application and Other Documents as mentioned in the IDS filed on 02/08/2001 to be considered.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whiting et al. [US Patent No 5,016,009], in view of Dargel et al. [US Patent No 4,398,176].

7. As per claim 1, Whiting discloses the invention substantially as claimed including a decoder interface comprising:

an input circuit that has a port for receiving encoded data [232, Figure 7]; and
control circuitry that is coupled to and controls the input circuit [230, Figure 7] to operate selectively in a first mode [233, Figure 7; and col 18, lines 50-col 19, lines 10] to receive raw byte data at the port [i.e. data character stream] [Abstract; and col 18, lines 34-36] and a second mode to receive tokens at the port [i.e. receive string] [Figure 4; col 9, lines 41-48; and col 10, lines 51-56].

Whiting does not specifically disclose a plurality of stages, including an initial and an intermediate stage, said tokens having information for preparing said initial and/or said intermediate stage for processing.

Dargel discloses a plurality of stages, including an initial and an intermediate stage [Figure 1], said tokens having information for preparing said initial and/or said intermediate stage for processing [i.e. coded commands] [Abstract; col 2, lines 66-col 3, lines 13; and col 15, lines 67-col 16, lines 13].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Whiting and Dargel because Dargel's teaching of multiple stages would allow to speed up the processing of information by reducing communication overhead.

8. As per claim 2, Whiting discloses wherein the port comprises a coded data port [col 20, lines 42-50].

9. As per claim 3, Whiting discloses a microprocessor interface [5, Figure 1a; and col 8, lines 22-25].

10. As per claim 4, it is rejected for similar reasons as stated above in claim 3.

11. As per claim 5, Whiting discloses the control circuitry includes a byte code signal for selecting the first or second mode [col 18, lines 35-49].

12. As per claims 10-13, they are method claimed of claims 1-5, they are rejected for similar reasons as stated above in claims 1-5.

13. Claims 7-9, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whiting et al. [US Patent No 5,016,009], in view of Dargel et al. [US Patent No 4,398,176], and further in view of Horvath et al. [US Patent No 5,450,599].

14. As per claim 7, Whiting and Dargel do not specifically disclose the received raw byte data is placed into tokens. Horvath discloses the received raw byte data is placed into tokens [col 8, lines 3-24]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Whiting, Dargel and Horvath because Horvath's teaching would allow to reduce processing overhead to increase system performance.

15. As per claim 8, Horvath discloses the first byte of the raw byte data causes a token header to be generated [Figure 2; and col 4, lines 15-30].

16. As per claim 9, Horvath discloses subsequent bytes of the raw byte data appended to the token header to form tokens [Figure 2; and col 4, lines 42-58].

17. As per claims 15-17, they are method claimed of claims 7-9, they are rejected for similar reasons as stated above in claims 7-9.

18. Applicant's arguments with respect to claims 1-5, 7-13, 15-17 have been considered but are moot in view of the new ground(s) of rejection.

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Follansbee John can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen
Examiner
Art Unit 2154


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100